

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK DONOFRIO, on behalf of
himself individually and on behalf of
those similarly situated,

Plaintiff, : CIVIL ACTION
: No. 2:18-cv-00599-AB

v. :
:
:

IKEA US RETAIL, LLC,
Defendant. :
:

ORDER

AND NOW, this 19th day of December, 2019, it is **ORDERED** as follows:

1. The Order of June 26, 2019 (ECF No. 82) denying Defendant's Motion for Clarification and denying Plaintiff's Motion for Leave to File a Surreply is **VACATED**.
2. Plaintiff's Motion for Leave to File a Surreply (ECF No. 80) is **GRANTED**. Plaintiff's surreply is deemed filed.
3. Defendant's Motion for Clarification (ECF No. 72) is **GRANTED IN PART AND DENIED IN PART**. Accordingly, the Order of May 15, 2019 (ECF No. 71) is **MODIFIED** as follows:

“1. Plaintiff's Motion for Conditional Certification (ECF Nos. 35, 36, and 62) is **GRANTED**. This case will proceed pursuant to 29 U.S.C. § 216(b) (incorporated by 29 U.S.C. § 626(b)). Any current hourly retail non-management employee of IKEA who, between January 20, 2016 and November 29, 2017, was age 40 or over and was rejected for promotion to a management level position, may opt in to this lawsuit as a Plaintiff.”

S/ ANITA B. BRODY, J.
ANITA B. BRODY, J.

Copies **VIA ECF** on 12/19/19